

REMARKS

The Office Action of June 7, 2011 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection are traversed and overcome. Upon entry of this Amendment, claims 28-36, 38, 40, 41, and 44-46 remain in the application. Claims 37, 39, 43, and 47 are canceled herein without prejudice. Reconsideration of the claims is respectfully requested.

Independent claims 28 and 38 have been revised to recite *inter alia* in some form “wherein said slug probe rod is resiliently biased toward said proximal end by a coil spring coaxial with said slug probe rod or by pneumatic pressure acting on said slug probe rod” Support for this revision may be found throughout the application as filed, at least in paragraph [0007] lines 1-6, and in Figs. 1, 2 and 3. It is submitted that “a coil spring coaxial with said slug probe rod” is conveyed to one of ordinary skill at least in Fig. 1. Independent claim 38 has been further revised to recite *inter alia* “wherein said ejector comprises a slug rod telescopically extending beyond said proximal end of said plunger for forcing the slug pierced from the panel though said lower installation assembly....” Support for this recitation may be found throughout the application as filed, and at least may be gleaned from paragraphs [0023] and [0027]-[0029] with Figs. 1, 4, 5A, 5B, and 5C.

Claims 28-31, 33-35, 37-40, 43, 45, 46 and 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pamer et al. (U.S. Patent No. 4,785,529, referred herein as “Pamer”) in view of Krcek et al. (U.S. Patent No. 6,401,507, referred herein as “Krcek”). The Office states that Pamer discloses all of the elements of Applicant’s independent claims 28, 38, 39 and 47 except Pamer et al. does not disclose a slug sensor located beneath the panel for sensing if the slug has been pierced from the panel and has been ejected from the pierce nut installation apparatus. According to the Office, Krcek supplies the deficiency of Pamer where Krcek teaches a slug ejector and a slug sensor for sensing if a slug has been pierced from a part and has been ejected from an apparatus.

While not acquiescing to the § 103(a) rejection above, in order to expedite prosecution, Applicant has revised independent claims 28 and 38 as stated above. As such, Pamer does not disclose every element of independent claims 28 and 38 as revised. Specifically, Pamer at least does not disclose a slug probe rod that is resiliently biased toward said proximal end by a coil spring coaxial with said slug probe rod or by pneumatic pressure acting on said slug probe rod. Pamer's spring operates on one end of a rocker arm 94, and the other end of the rocker arm contacts the ejector pin 86. It is submitted that it is not possible for Pamer's spring to be coaxial with the slug probe rod because the rocker arm spaces the spring away from the ejector pin 86 (see Fig. 1). Further, pneumatic biasing of the slug probe rod is not disclosed in Pamer. As such, it is submitted that Pamer does not disclose or render obvious Applicant's invention as recited in independent claims 28 and 38, and Krcek does not supply the deficiency.

Further, claims 29-31, 33-35, 40, 45, and 46 depend ultimately from one of independent claims 28 and 38. Applicant reiterates the arguments set forth hereinabove pertaining to the patentability of independent claims 28 and 38. It is submitted that Applicant's invention as recited in these dependent claims is patentable at least for the same reasons set forth herein in support of the patentability of claims 28 and 38. For all the reasons stated above, it is submitted that Applicant's invention as defined in independent claims 28 and 38, and in those claims depending therefrom, is not anticipated, taught, or rendered obvious by Pamer and Krcek, either alone or in combination, and patentably defines over the art of record.

Claims 32, 36, 41 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pamer/Krcek as applied to claims 28 and 34 above, and further in view of Baker et al. (U.S. Patent No. 5,455,848, referred herein as "Baker"). The Office states that Pamer/Krcek disclose a pierce nut installation apparatus as claimed except for specifically disclosing the slug sensor being an electric current sensor or a conductive

magnetic field generating sensor. The Office further states that Baker teaches slug sensors that could be any type of known sensors.

Applicant respectfully submits that, similarly to the dependent claims above, claims 32, 36, 41 and 44 depend ultimately from one of independent claims 28 and 38. Applicant reiterates the arguments set forth hereinabove pertaining to the patentability of independent claims 28 and 38. It is submitted that Applicant's invention as recited in these dependent claims is patentable at least for the same reasons set forth herein in support of the patentability of claims 28 and 38. For all the reasons stated above, it is submitted that Applicant's invention as defined in independent claims 28 and 38, and in those claims depending therefrom, is not anticipated, taught, or rendered obvious by Pamer ,Krcek, and Baker either alone or in combination, and patentably defines over the art of record.

For all the reasons stated above, it is submitted that Applicant's invention as defined in independent claims 28 and 38, and in those claims depending ultimately therefrom, is not anticipated, taught or rendered obvious by the cited references, either alone or in combination, and patentably defines over the art of record.

It is submitted that the absence of a reply to a specific rejection, issue or comment in the instant Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this amendment should be construed as an intent to concede any issue with regard to any claim, and the amendment of any claim does not signify concession of unpatentability of the claim prior to its amendment.

In summary, claims 28-36, 38, 40, 41, and 44-46 remain in the application. In view of the foregoing arguments, all pending claims are believed to be in condition for allowance, and such action is respectfully requested. Therefore, this response is

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believed to be a complete response to the Office Action, and further and favorable consideration is respectfully requested.

If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact the undersigned attorney at the below-listed telephone number.

Respectfully submitted,

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